



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,490	11/19/2003	Marc-Andre Seguin	86493-2	4512
7590 05/20/2005			EXAMINER	
SMART & BIGGAR Suite 3400 1000 de la Gauchetiere Street West Montreal, QC H3B 4W5 CANADA			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,490

Applicant(s)

SEGUIN ET AL.

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Burress [U.S. Patent No 1628651] in view of Nelson [U.S. Patent No. 6179517].

As for **claims 1, 11, and 23**, Burress discloses a traffic-signaling device suitable for providing information to oncoming traffic, comprising, a moveable member suitable for attachment to a support, the moveable member is operative to move between a first and second position. When the moveable member is in the second position the traffic signaling device is operative to provide information to oncoming traffic (Figure1 and column 1, lines 14-23). Burress does not specifically disclose that the automatic traffic signaling device is solar powered.

In an analogous art, Nelson discloses a traffic-signaling device, which comprises a solar-powered drive system for causing a moveable member to move between a first and second position (column 1, lines 43-47 and column 2, lines 60-67). Nelson teaches the use of solar power as a backup energy means. However, it would have been obvious to one of ordinary skill that solar power could have been the main supply of power to the system. Further, Nelson discloses that the traffic-signaling system may include a plurality of traffic-signaling devices (column 1, lines 43-47 and column 3, lines

55-58). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the traffic-signaling device with moveable member and information providing means taught by Burress, with the solar powering means and taught by Nelson. This would have been an obvious modification because the use of solar power to drive the traffic signaling system would be more energy efficient and would be less susceptible to power outages for extended periods of time. One of ordinary skill would recognize that there are several advantages of using solar power in a traffic signaling systems.

As for **claims 2-3, 12-13, and 25**, Nelson discloses the use of an electric battery and an electric motor (column 2, lines 14-23 and 60-67). The battery is charged by a solar panel.

Regarding **claims 4-6 and 14-16**, Burress discloses a traffic-signaling device wherein the moveable member defines a longitudinal axis. When the moveable member is in the second position the longitudinal axis is substantially perpendicular to the direction of oncoming traffic. When the moveable member is in the first position the longitudinal axis is substantially parallel to the direction of oncoming traffic (columns 1, lines 14-23 and column 2, lines 93-105). When in extended in the second position, a barrier arm informs oncoming traffic that the portion of the road into which the barrier arm extends is closed (Figure 1).

As for **claims 7 and 17**, Burress discloses device that is formed of one or more modular components (column 2, line 106 – column 3, line 17).

Regarding **claims 8 and 18**, Burress discloses a device wherein the moveable member includes a first end attached to a support and a second end including at least an image or text thereon for providing information to oncoming traffic (Figure 1). It would have been obvious to one of ordinary skill in the art that the image or text providing information to oncoming traffic could be placed at any point along the moveable member.

As for **claims 10 and 19**, Burress discloses that the moveable member is made of steel (column 2, lines 110-112).

3. Claims 9, 20, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burress in view of Nelson as applied to the claims above, and further in view of Massey [U.S. Patent No. 5097790].

As for claims **9, 20, 21, and 24**, neither Burress nor Nelson disclose a traffic-signaling system wherein the activation of a solar-powered drive system is controlled remotely. In an analogous art, Massey discloses that a moveable member may be controlled remotely (column 9, lines 35-42).

4. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burress in view of Nelson, in further view of Massey as applied to the claims above, and further in view of Bergan et al [Pub. No. 2002/0175831 A1].

Regarding **claim 22**, neither Nelson, Massey, nor Burress disclose a traffic signaling system wherein upon receipt of a wireless signal a first signaling device

Art Unit: 2636

transmits a wireless signal to a second wireless device. Bergan discloses a traffic signaling system wherein a plurality of traffic signaling devices are capable of communicating with one another in order to relay information to oncoming traffic. It would have been obvious to one of ordinary skill in the art to combine the teachings of the aforementioned inventors with the intercommunication in a traffic signaling system as taught by Bergan because a combination would result in a system that was able to be controlled remotely and would allow traffic signaling devices to communicate with one another to give oncoming traffic advanced warning regarding an upcoming traffic incident.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson et al, Hovland, Ellefson, Dickinson, Dumbeck, Nasatka, DeLillo, and Pietzsch all disclosed traffic control devices that were useful during the examination of the present application.

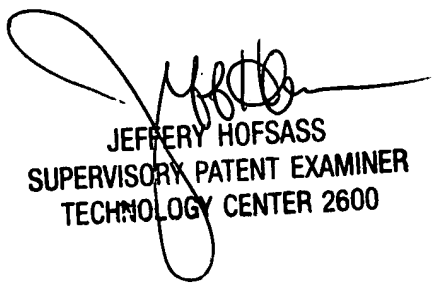
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

\*\*\*



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600